IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

WEDNESDAY, THE 1ST AUGUST 2007 / 10TH SRAVANA 1929

CRP.No. 712 of 2007()

AGAINST THE ORDER IN OS.120/2002 of III ADDL.M.C.,TRIVANDRUM
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REVN. PETITIONER: 1ST DEFENDANT

RADHAKRISHNAN, S/O. LATE DAMODHARAN,
RITA BHAVAN, TC NO.C 11/250, R.K.V.ROAD,
TRIVANDRUM.

BY ADV. SRI.G.S.REGHUNATH

RESPONDENTS: (PLAINTIFF & DEFENDANTS 2 TO 5)
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1. PRIYA S., D/O. LATE C.V.RAMACHANDRAN NAIR, TC 27/991(3), MEENAKSHY, VANCHIYOOR P.O., TRIVANDRUM AND PROPRIETRIX, M/S. RADHAKRISHNAN AND BROTHERS, KILIMANOOR, TRIVANDRUM.

2. DR. D.RETNAKUMAR, S/O. LATE DAMODHARAN, RITA BHAVAN, TC NO.C 11/250, R.K.V.ROAD, TRIVANDRUM.

3. BHARAT PETROLEUM CORPORATION LIMITED, A COMPANY INCORPORATED UNDER THE COMPANIES ACT, 1956, HAVING ITS REGISTERED OFFICE AT BHARAT BHAVAN, BALLAD ESTATE, MUMBAI-400 001, REPRESENTED BY ITS MANAGING DIRECTOR.

4. TERRITORY MANAGER (RETAIL), BHARAT PETROLEUM CORPORATION LTD., TERRITORY RETAIL OFFICE, IRIMPANAM P.O., COCHIN-682 309.

5. SALES OFFICER, BHARAT PETROLEUM CORPORATION, KOLLAM.

BY

THIS CIVIL REVISION PETITION HAVING COME UP FOR ADMISSION ON 01/08/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

M.N.KRISHNAN, J

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C.R.P. No.712 OF 2007

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Dated this the 1st day of August 2007

O R D E R

This revision petition is filed to set aside the order on issue No.4 in O.S.No.120/2002 of the III Addl.Munsiff's Court, Thiruvananthapuram. The question is one relating to the territorial jurisdiction. On a perusal of the order of the court, it had stated that apart from the contention in the written statement, learned counsel for the defendants neither produced the alleged agreement dated 24.12.1977 nor argued anything with respect to the lack of territorial jurisdiction of the court. Learned counsel for the revision petitioner has brought to my notice that item No.3 mentioned in the plaint schedule is the disputed document. Therefore, it is very clear that the court has not bestowed its best attention to the relevant clauses of the agreement even though it was available in the bundle.

Therefore the order suffers from serious infirmity and it is set aside. The court below is directed to reconsider the matter afresh after hearing both sides. The learned Munsiff shall intimate the defendants also about the

hearing date and then proceed to dispose of the matter in accordance with law.

C.R.P. is disposed of as above.

M.N.KRISHNAN, JUDGE

Cdp/-